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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,862	08/04/2003	Masanori Fujimoto	02530027AA	4648

30743

7590

03/19/2008

WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.

11491 SUNSET HILLS ROAD

SUITE 340

RESTON, VA 20190

EXAMINER

HAIDER, FAWAAD

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

03/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/632,862

Applicant(s)

FUJIMOTO, MASANORI

Examiner

FAWAAD HAIDER

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 8 and 10 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/27/07 has been entered.

Election/Restrictions

2. Newly submitted claims 8 and 10 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: independent claim 8 has new limitations that are not previously presented such as "displaying only the chosen fixed amount sales information by erasing the remaining fixed amount sales information," and claim 10 is dependent on claim 8, therefore they are restricted.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 8 and 10 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4 Claims 1, 5, 6, and 9 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Wilson (2001/0020198) in view of Kazumi (JP 10-324398).

Re Claim 1: Wilson discloses a display associated with said POS terminal wherein said display presenting a plurality of fixed amount selections for fuel by the customer (See Abstract and [0003, 0010, 0074, 0121, 0192]). Wilson discloses selecting, with the POS terminal, a fixed amount for items and option items to be purchased, each option item being associated with an option item amount (see [0003, 0053-0057, 0192], Figure 1, Figure 5). Wilson discloses a display associated with said POS terminal said display presenting one or more option items which can be bought (See [0003, 0053-0057, 0086, 0192]). Wilson discloses wherein said display only displays said option items which can be bought for less than said fixed amount (See [0003, 0053-0057, 0086, 0121, 0192]). Finally, Wilson also discloses said POS terminal permitting fueling at said gasoline stand in an amount equal to said balance amount (See [0085]).

However, Wilson fails to disclose a difference. Kazumi discloses a difference between said one fixed amount selection and any option item amounts for option items to be purchased (See Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wilson's invention with Kazumi's disclosure of deducting from a fixed amount in order to "deal efficiently without degrading customer service when a purchasing amount of liquid to be sold at a predetermined quantity unit is specified in an amount of money (See Abstract)."

Re Claims 5 and 9: Wilson discloses wherein the POS terminal issues an option item ticket for said option items purchased and a sales receipt (See [0066]).

Re Claim 6: Wilson discloses wherein said option item ticket includes a bar code (See [0067, 0094]).

Response to Arguments

3. Applicant's arguments filed 12/27/2007 have been fully considered but they are not persuasive. The applicant argues that neither Wilson nor Kazumi disclose specifying a fixed amount he or she will pay, with the customer being able to easily divide this fixed amount between fuel and other items he purchases. The examiner respectfully disagrees. In Wilson [0121], a set value is discussed, and an alert (or warning) may be sent if the value is less than or equal to the threshold. Then, in Wilson [0192], setting a particular dollar amount or a limitation is discussed. It also talks about placing limits on "snack purchases or the frequency of fill-ups."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627

Fawaad Haider
Examiner
Art Unit 3627

FIH

